



1.28<sup>c</sup>  
PATENT  
DIVISION

Docket No.: SUC4USA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2004 NOV -9 PM

Application No. : 10/706,803 Confirmation No. 6944  
Applicant : Hofmeister et al.  
Filed: : November 12, 2003  
Art Unit : 2837  
Examiner :  
Customer No. : 00270  
Title : ELECTRONIC TONE GENERATION SYSTEM AND  
BATONS THEREFOR

**RECEIVED**

NOV 16 2004

OFFICE OF PETITIONS

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE UNDER 37 CFR 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Signature M Marsden

Date 11-4-04

11/12/2004 DALLIN 00000011 10706803

01 FC:1461

477.00 DP

**DEFICIENCY PAYMENT PURSUANT TO 37 CFR §1.28(c)**

Dear Sir:

Enclosed is a deficiency payment for the filing fee and fee for eight claims in excess of twenty that were previously submitted in good faith in the above referenced application as a small entity.

Small entity status was established in good faith for the assignee of the present application as filed on November 12, 2003. It is now believed that such status was established in error. The error was made in good faith and without any deceptive intent on the part of the Applicant and the undersigned attorney.

According to 37 CFR §1.28(c):

“If status as a small entity is established in good faith, and fees as a small entity are paid in good faith, in any application or patent, and it is later discovered that such status as a small entity was established in error, ... the error will be excused upon: compliance with the separate submission and itemization requirements of paragraphs (c)(1) and (c)(2) of this section, and the deficiency payment requirement of paragraph (c)(2) ...”.

This paper is being filed with respect to a single pending application in accordance to paragraph (c)(1). The itemization requirement in accordance with paragraph (c)(2) is provided below.

Itemization of the Deficiency Payment

Type of Fee: Basic Filing Fee - Utility  
Current Fee Amount: \$790.00  
Fee Paid/Date Paid: \$385.00 paid on November 12, 2003

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Deficiency Owed: \$405.00

Type of Fee: Eight Extra Claims over Twenty, as filed  
Current Fee Amount: \$144.00  
Fee Paid/Date Paid: \$72.00 paid on November 12, 2003

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Deficiency Owed: \$72.00

Total Deficiency Owed = \$477.00


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A check in the amount of \$477 is enclosed herewith in accordance to 37 CFR §1.28(c)(2).

In addition, in accordance with 37 CFR §1.28(d), the enclosed deficiency payment constitutes the notification required by 37 CFR §1.27(g)(2) of a loss of entitlement to small entity status of the applicant for this application.

In the event that a further fee is required, please charge the fee to our Deposit Account  
No. 08-3040.

Respectfully submitted,  
HOWSON AND HOWSON  
Attorneys for Applicant

By   
William Bak  
Reg. No. 37,277  
Spring House Corp. Center  
Box 457  
Spring House, PA 19477  
(215) 540-9216



# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 477.00

## Complete if Known

Application Number 10/706,803  
Filing Date November 12, 2003  
First Named Inventor Hofmeister et al.  
Examiner Name  
Art Unit 2837  
Attorney Docket No. SUC4USA

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OFFICE OF PETITIONS

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number  
Deposit Account Name

08-3040

Howson and Howson

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ )

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below	Fee Paid
Total Claims	<input type="text"/>	-20** =	<input type="text"/>	X <input type="text"/>	= <input type="text"/>
Independent Claims	<input type="text"/>	- 3** =	<input type="text"/>	X <input type="text"/>	= <input type="text"/>
Multiple Dependent				<input type="text"/>	= <input type="text"/>

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ )

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
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1254	1,530	2254	765	Extension for reply within fourth month	
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1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
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1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
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1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) <u>Deficiency Payment</u>					477.00
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$ ) 477.00

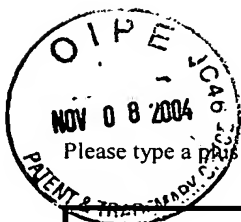
## SUBMITTED BY

Name (Print/Type)	William Bak	Registration No. (Attorney/Agent)	37,277	Telephone	215-540-9216
Signature	<i>William Bak</i>	Date	November 4, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



CUSTOMER NO. 00270

PTO/SB/21 (08-00)

**TRANSMITTAL  
FORM**(to be used for all correspondence after initial  
filing)

Serial Number	10/706,803
File Date	November 12, 2003
First Named Inventor	Hofmeister et al.
Group Art Unit	2837
Examiner Name	NOV 16 2004
Attorney Docket Number	SUC4USA

Total Number of Pages in this  
Submission

OFFICE OF PETITIONS

**ENCLOSURES (check all that apply)**

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
|---|--|---|

Remarks:

Deficiency Payment

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

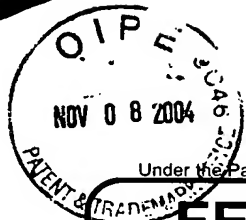
Firm or Individual Name	William Bak
Signature	<i>William Bak</i>
Date	November 4, 2004

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: November 4, 2004.

Typed or printed name	Melody Marsden		
Signature	<i>Melody Marsden</i>	Date	November 4, 2004

Burden of Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231



PTO/SB/17 (10-04v2)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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☐ Applicant claims small entity status. See 37 CFR 1.27

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Application Number	10/706,803
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First Named Inventor	Hofmeister et al.
Examiner Name	
Art Unit	2837
Attorney Docket No.	SUC4USA

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**METHOD OF PAYMENT (check all that apply)**☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name

08-3040

Howson and Howson

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

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